



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,472	01/18/2002	Barry P. Falvo	10622-10US	1450

570 7590 04/20/2006

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

EXAMINER
----------

WILDER, PETER C

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/051,472

Applicant(s)

FALVO ET AL.

Examiner

Peter C. Wilder

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Note to Applicant***

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

### ***Claim Objections***

Claim 6 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 5. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 part (2) depending on claim 1 states making a channel selection and with the remote wireless device and claim 12 claims using the wireless device to make a channel selection.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3 element 305 is not in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 13, 14, 16-22, 25-27, 29, 30, 32-40, 42, 44-48, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sam's Teach Yourself Microsoft Outlook 2000 in 24 Hours).

Referring to claim 1, Ellis teaches a method of using a remote wireless device to send a message to at least one desired destination via a communications system, the wireless device having a display (¶[0141], ¶[0142], Figure 23, and Figure 2c teach element 24 a remote control allowing a user to create an email message and transmit it to a destination, Figure 5 teaches element 24 is a remote display device, ¶[0044], ¶[0052], Figures 2c and Figure 3 teach element 19 can be wireless link), the method comprising:

(a) executing an application running on the wireless device (¶[0141], ¶[0142] and Figure 23 teaches creating a message on element 24 which has already been taught can be a remote display device, the ability to create an email on a remote display device has to be done with a program or application);

(b) a user generating a message using the wireless device (¶[0141], ¶[0142], ¶[0044], Figure 5, Figure 2c); and

(c) buttons emulated by on the display to select (¶[0059] teaches device 24 the PDA can have a touch screen)

Ellis fails to teach displaying a plurality of selectable message destinations and a plurality of selectable message formats; using one or more control buttons the on the display to select (i) at least one of the destinations to which the generated message is to be sent, and (ii) at least one of the formats which define how the generated message is to be presented at the selected destinations.

In an analogous art Tyson teaches displaying a plurality of selectable message destinations (Page 181 “To Do: Addressing Your Message” and Figure 8.7 teach clicking the To button to select from a list the email address that you want to send you email to in the email program Microsoft Outlook) and a plurality of selectable message formats (Page 91 2<sup>nd</sup> paragraph “Back so soon?...” and Figure 4.15 teach being able to adjust the font using buttons in Figure 4.15); using one or more control buttons to select (i) at least one of the destinations to which the generated message is to be sent (Page 181 Figure 8.7 teaches a buttons which are displayed on the screen), and at least one of the formats which define how the generated message is to be presented at the selected destinations (Page 91 and Figure 4.15 teaches buttons that would be displayed on a screen that control the font of the email text).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote display device with a touch screen and email methods of Ellis using the buttons on a display to control the destinations and format of the email of Tyson for the purpose of adding destinations to the email more convenient.

Referring to claim 13, depending on claim 1, Ellis teaches the method wherein step (b) further comprises: (b)(i) the user recording an audible message at the wireless device ([0107]).

Referring to claim 14, depending on claim 1, Ellis teaches the method wherein step (b) further comprises: (b)(i) the user entering a text message at the wireless device ([0107]).

Referring to claim 16, depending on claim 1, Tyson additionally teaches the method further comprising: (d) the user entering information into the remote wireless device to schedule when the generated message is to be sent (Page 187 Figure 8.12 teaches the "Do not deliver before:" drop down box in the Message Options window (Fourth box up from the bottom of the screen and see attached screen shot of the message options window). This allows a user to select a time for the message to be sent and when time comes for the message to be sent the application sends the message to the destination).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote display device with a touch screen and email methods of Ellis using the buttons on a display to control the destinations and format of the email of Tyson for the purpose of making the messaging application more convenient for the user.

Referring to claim 17, depending on claim 1, Tyson teaches the method of claim 1, further comprising: (d) using one of the control buttons to immediately send the generated message to the selected destinations (Page 189 second paragraph starting with "After you.." teaches clicking the "Send" button to send out the email).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote display device with a touch screen and email methods of Ellis using the sending of a message immediately method of Tyson for the purpose of allowing people to conveniently transmit messages.

Referring to claim 18, depending on claim 1, Ellis teaches the method wherein the selectable message formats include a text format and an audible format (§[0107] teaches a message can be a text message or an audio message).

Referring to claim 19, depending on claim 1, Ellis teaches wherein the selectable message formats include a graphics format (§[0107]).

Referring to claim 20 Ellis teaches a remote wireless device (Figure 5 and Figure 2c element 24), comprising:

(a) a display (Figure 5 element 52 and §[0059]);



(b) an input device used to generate a message (Figure 5 element 52 and ¶¶[0059] and ¶¶[0107] teaches a message being generated; ¶¶[0074]); and

(c) an application running on the wireless device (¶¶[0107] teaches generating a message on a wireless device so an application/software has to exist; ¶¶[0074]), and emulates on the display control buttons (¶¶[0059] teaches the wireless display control device interface 52 being a system that can include a LCD, touch screen, and keyboard which creates a display with emulated control buttons).

Ellis fails to teach wherein the application presents on the display a plurality of selectable message destinations and a plurality of selectable message formats and displays a plurality of control buttons used to select (i) at least one of the destinations to which the generated message is to be sent, and (ii) at least one of the formats which define how the generated message is to be presented at the selected destinations.

In an analogous art Tyson teaches wherein the application presents on the display a plurality of selectable message destinations (Page 181 "To Do: Addressing Your Message" and Figure 8.7 teach clicking the To button to select from a list the email address that you want to send you email to in the email program Microsoft Outlook) and a plurality of selectable message formats (Page 91 2<sup>rd</sup> paragraph "Back so soon?...." and Figure 4.15 teach being able to adjust the font using buttons in Figure 4.15) and displaying a plurality of control buttons used to select (i) at least one of the destinations to which the generated message is to be sent (Page 181 Figure 8.7 teaches a buttons which are displayed on the screen), and (ii) at least one of the formats which define how the generated message is to be presented at the selected destinations (Page 91 and

Figure 4.15 teaches buttons that would be displayed on a screen that control the font of the email text).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote display device with a touch screen and email methods of Ellis using the buttons on a display to control the destinations and format of the email of Tyson for the purpose of adding destinations to the email more convenient.

Referring to claim 21, depending on claim 20, Ellis teaches wherein the wireless device is used to control the selection of program channels displayed on a television that is in communication with a local device ([0106] teaches local device element 22 in Figure 2c).

Referring to claim 22, depending on claim 21, Ellis teaches wherein the selectable message destinations include at the local device, the television ([0107] teaches a message being sent from remote access program guide which resides on remote display device element 24 to local interactive program guide which resides in element 22 in Figure 2c; the user television equipment element 22 then displays the message; Thus there must be a selectable destination on remote display device 24 for local interactive program guide which is a television; Figure 3 teaches element 22 includes a television element 36).

Referring to claim 25, depending on claim 21, Ellis teaches the method wherein the local device is one of a set-top box (STB), ¶[0047], and a modem (Figure 3 teaches element 22 which includes element 28 a set-top box and inside element 28 is element 37 a modem, ¶[0053]).

Referring to claim 26, depending on claim 20, Ellis teaches wherein the input device generates text messages and stores audible messages (¶[0141] and ¶[0142] teach being able to generate and store a audio message and being able to input a text message and the message can be transferred from the remote access program guide which is on element 24 in figure 2c to the local interactive program guide which is on element 22 in Figure 2c).

Referring to claim 27, depending on claim 26, Ellis teaches the remote wireless device of claim 26, further comprising:

(d) at least one speaker (¶[0059]); and

(e) a receiver that receives a text message generated by a user of a local device, wherein received text messages are presented on the display of the remote wireless device (¶[0107] teaches messages can be text messages and a local interactive television program guide can send a message to a remote program access device 24 which is the remote control).

Referring to claim 29, depending on claim 20, see rejection of claim 16.

Referring to claim 30, Ellis teaches a local device, the local device being in communication with a remote server and a television (Figure 2c teaches element 22 which in Figure 3 includes a television, Figure 2c and ¶[0040] teaches local device element 22 is connected to program guide server element 25), the local device comprising:

(a) an input device that generates text messages (Figure 2c, Figure 4 element 46, and ¶[0141] teach being able to generate a text message; ¶[0056] teaches element 46 can be a keyboard);

(b) a recorder that stores audible messages (¶[0141] and ¶[0142] teach being able to generate and store a audio message with local interactive television program guide which is television equipment 22); and

Ellis fails to teach (c) a plurality of control buttons used to select at least one destination to send a text message to.

In an analogous art Tyson teaches (c) a plurality of control buttons used to select at least one destination to send a text message to (Page 181 "To Do: Addressing Your Message" and Figure 8.7 teach clicking the To button to select from a list the email address that you want to send you email to in the email program Microsoft Outlook; Page 181 Figure 8.7 teaches a buttons which is displayed on the screen).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote display device with a touch screen and email methods of

Ellis using the buttons on a display to control the destinations and format of the email of Tyson for the purpose of adding destinations to the email more convenient.

Referring to claim 32, depending on claim 30, Ellis teaches wherein the local device is one of a set-top box (STB) ([0047]), and a modem (Figure 3 teaches element 22 which includes element 28 a set-top box and inside element 28 is element 37 a modem, [0053]).

Referring to claim 33, depending on claim 30, Ellis teaches wherein the destination is a remote wireless device ([0107] teaches transmitting a message from a local device element 22 to a device 24 which is wireless in Figure 2c).

Referring to claim 34, depending on claim 30, Ellis teaches the local device of claim 30, further comprising:

(d) a receiver that receives a text message by the user of the remote wireless device, wherein received text messages are presented on a display on the television ([0107] teaches a remote wireless device transmitting a message to a local device and the message being displayed on the television).

Referring to claim 35, depending on claim 30, see rejection of claim 16.

Referring to claim 36 Ellis teaches a method of using a remote wireless device to send a message to at least one desired destination via a communications system (¶[0107] teaches transmitting messages between a remote wireless device element 24 and element 22 in Figure 2c), the wireless device having a display (Figure 5 element 52 and ¶[0059], ¶[0053] teaches link 19 is wireless), the method comprising:

(a) inputting a message into the remote wireless device (¶[0141]);

(g) presenting the message in the selected format at a device associated with the selected destination (¶[0107] teaches being able to generate an audio message and the message being delivered and the audio message being played on the television equipment 22 which includes speakers).

Ellis fails to teach (b) selecting at least one destination to where the message is to be sent from a plurality of destinations presented on the display; (c) selecting at least one format in which the message is to be presented from a plurality of formats presented on the display; (d) setting a time when the message to be sent to the selected destination; (e) initiating a software timer in the wireless device; (f) when the software timer expires, sending the message to the selected destination.

In an analogous art Tyson teaches (b) selecting at least one destination to where the message is to be sent from a plurality of destinations presented on the display (Page 181 "To Do: Addressing Your Message" and Figure 8.7 teach clicking the To button to select from a list the email address that you want to send you email to in the email program Microsoft Outlook); (c) selecting at least one format in which the message is to be presented from a plurality of formats presented on the display (Page

91 2<sup>d</sup> paragraph "Back so soon?...." and Figure 4.15 teach being able to adjust the font using buttons in Figure 4.15); (d) setting a time when the message to be sent to the selected destination (Page 187 Figure 8.12 teaches the "Do not deliver before:" drop down box in the Message Options window. This allows a user to select a time for the message to be sent and when time comes for the message to be sent the application sends the message to the destination); (e) initiating a software timer in the wireless device (Page 187 Figure 8.12 teaches the "Do not deliver before:" drop down box in the Message Options window. This allows a user to select a time for the message to be sent and when time comes for the message to be sent the application sends the message to the destination. An internal clock or timer to determine when the message is sent has to exist so the application knows when to send the message); (f) when the software timer expires, sending the message to the selected destination (Page 187 Figure 8.12 teaches the "Do not deliver before:" drop down box in the Message Options window (Fourth box up from the bottom of the screen and see attached screen shot of the message options window). This allows a user to select a time for the message to be sent and when time comes for the message to be sent the application sends the message to the destination).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote display device with a touch screen and email methods of Ellis using the buttons on a display to control the destinations and format of the email of Tyson for the purpose of adding destinations to the email and time the email should be delivered more convenient.

Referring to claim 37, depending on claim 36, Ellis teaches wherein the communications system is a cable television system which includes a local device in communication with a remote server and a television (Figure 2c teaches local device element 22, remote server element 25, and Figure 4 teaches element 45 and ¶[0045] teaches element 45 is a television), and the destination the local device (¶[0107] and Figure 2c teaches transmitting a message from the remote program guide access device which is wireless device element 24 to the local interactive television program guide which is on local device element 22).

Referring to claim 38, depending on claim 37, Ellis teaches wherein the wireless devices are used to control the selection of program channels displayed on the television (¶[0106] teaches channel selection by remote device and ¶[0086] teaches a user can have more than one remote device)

Referring to claim 39, depending on claim 37, Ellis teaches the method wherein the local device is one of a set-top box (STB), ¶[0047], and a modem (Figure 3 teaches element 22 which includes element 28 a set-top box and inside element 28 is element 37 a modem, ¶[0053]).



Referring to claim 40, depending on claim 36, Ellis teaches (h) encapsulating the message as a wireless message (¶[0044] teaches link 19 is wireless so the message would have to be encapsulated as a wireless message); and

(i) the device associated with the selected destination decoding the encapsulated message (Figure 2c teaches element 17 including local device element 22 and ¶[0073] teaches remote program guide access device exchanging information with television program guide equipment 17 using SMTP protocols and ¶[0141] and ¶[0142] teach messages being transmitted between the two devices so is a message is encoded as an SMTP then it would have to be decode at the receiving device).

Referring to claim 42, depending on claim 36, see rejection of claim 18.

Referring to claim 44, Ellis teaches a method of using a remote wireless device to send a message to at least one desired destination via a communications system (¶[0107] teaches transmitting messages between a remote wireless device element 24 and element 22 in Figure 2c), the wireless device having a display (Figure 5 element 52 and ¶[0059], ¶[0053] teaches link 19 is wireless), the method comprising:

- (a) inputting a message into the remote wireless device (¶[0141]);
- (d) sending the message to the selected destination (¶[0141] and ¶[0142]) and
- (e) presenting the message in the selected format at a device associated with the selected destination (¶[0107], ¶[0141], and ¶[0142] teach a message being generated as

an audio message an being playing the message on local television program guide 22 which includes speakers).

Ellis fails to teach (b) selecting at least one destination to where the message is to be sent from a plurality of destinations presented on the display; (c) selecting at least one format in which the message is to be presented from a plurality of formats presented on the display.

In an analogous art Tyson teaches (b) selecting at least one destination to where the message is to be sent from a plurality of destinations presented on the display (Page 181 "To Do: Addressing Your Message" and Figure 8.7 teach clicking the To button to select from a list the email address that you want to send you email to in the email program Microsoft Outlook).

(c) selecting at least one format in which the message is to be presented from a plurality of formats presented on the display (Page 91 2<sup>nd</sup> paragraph "Back so soon?...." and Figure 4.15 teach being able to adjust the font using buttons in Figure 4.15).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote display device with a touch screen and email methods of Ellis using the buttons on a display to control the destinations and format of the email of Tyson for the purpose of adding destinations to the email more convenient.

Referring to claim 45, depending on claim 44, see rejection of claim 37.

Referring to claim 46, depending on claim 45, see rejection of claim 38.

Referring to claim 47, depending on claim 45, see rejection of claim 32.

Referring to claim 48, depending on claim 44, see rejection of claim 40.

Referring to claim 50, depending on claim 44, see rejection of claim 18.

Claims 2, 3, 5-8, 10-12, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sams Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Darbee et al. (U.S. 6130726).

Referring to claim 2, depending on claim 1, Ellis teaches wherein the communications system is a cable television system which includes a local device in communication with a remote server and a television (Figure 2c teaches a television distribution facility connected to user television equipment which is connected to remote program guide access device element 24; Figure 2c teaches element 22 user television equipment, and ¶[0047] and Figure 3 teach element 22 contains a set-top-box which is in a users home thus is a local device), the method further comprising:

(d) the local device communicating electronic program guide (EPG) data to the wireless device (¶[0041] teaches user television equipment 22 which includes a set-top-

box forwarding program guide data to program guide access device 24 which is the remote display device), the application using at least a portion of the EPG data to provide an EPG menu on the display (¶[0080] and Figure 7 teach the program guide data being displayed on any suitable display device and ¶[0059] and Figure 3 teach the remote display device have a LCD display element 52); and

Ellis and Tyson fail to teach using the control buttons to navigate the EPG menu and make program channel selections displayed on the television without displaying the EPG menu on the television

In an analogous art Darbee teaches using the control buttons to navigate the EPG menu and make program channel selections displayed on the television without displaying the EPG menu on the television (Column 2 lines 46-50 and Column 11 lines 6-11).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson using the EPG only displayed on the remote display device of Darbee for the purpose of preventing an interruption of content on a television (Column 2 lines 46-50, Darbee).

Referring to claim 3, depending on claim 2, Ellis teaches the method further comprising:

(f) the remote server communicating the EPG data to the local device (¶[0041] and Figure 2c teaches program guide data being transmitted from program guide server

element 25 to television equipment 22 which in Figure 3 teaches element 28 a set-top-box); and

(g) in response to the user selecting a particular program channel while navigating the EPG menu, the wireless device sending one or more instructions to cause the particular program channel to be displayed on the television (¶[0105] and ¶[0106] teach a remote access program guide on remote device element 24 and allowing the channel to be changed using the EPG, Figure 11).

Referring to claim 5, depending on claim 3, Ellis teaches the method wherein the one or more instructions are included in a signal wirelessly transmitted from an output port of the wireless device to the local device over at least one of a radio frequency (RF) link and an infrared (IR) link (¶[0061] teaches IR and RF can be used for link 19).

Referring to claim 6, see claim 5.

Referring to claim 7, depending on claim 3, Ellis teaches the method wherein updated EPG data is communicated from the remote server to the wireless device via the local device on a periodic basis to refresh the application (¶[0038]).

Referring to claim 8, depending on claim 2, Ellis teaches the method wherein the selectable message destinations include at the local device, the television (¶[0107] teaches a message being sent from remote access program guide which resides on remote display device element 24 to local interactive program guide which resides in element 22 in Figure 2c; the user television equipment element 22 then displays the message; Thus there must be a selectable destination on remote display device 24 for local interactive program guide which is a television; Figure 3 teaches element 22 includes a television element 36).

Referring to claim 10, depending on claim 2, Ellis teaches the method wherein the local device is one of a set-top box (STB) (¶[0047]), and a modem (Figure 3 teaches element 22 which includes element 28 a set-top box and inside element 28 is element 37 a modem, ¶[0053]).

Referring to claim 11, depending on claim 2, Ellis teaches the method further comprising: (f) receiving, at the remote wireless device a text message generated by a user of the local device (¶[0107] teaches the local interactive television guide which is located in element 22 of Figure 2c which includes a set-top-box/(local device) being able to transmit a message to remote program guide access device element; also the messages can be text).

Referring to claim 12, depending on claim 2, Ellis teaches the method wherein the remote wireless device is used to control the selection of program channels displayed on the television (¶[0106]).

Referring to claim 24, depending on claim 21, Ellis teaches wherein the application uses at least a portion of electronic program guide (EPG) data received from the local device to provide an EPG menu on the display of the remote wireless device (¶[0041] teaches user television equipment 22 which includes a set-top-box forwarding program guide data to program guide access device 24 which is the remote display device; ¶[0080] and Figure 7 teach the program guide data being displayed on any suitable display device and ¶[0059] and Figure 3 teach the remote display device have a LCD display element 52),

Ellis and Tyson fail to teach using the control buttons to navigate the EPG menu and make program channel selections displayed on the television without displaying the EPG menu on the television

In an analogous art Darbee teaches using the control buttons to navigate the EPG menu and make program channel selections displayed on the television without displaying the EPG menu on the television (Column 2 lines 46-50 and Column 11 lines 6-11).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson using the EPG only

displayed on the remote display device of Darbee for the purpose of preventing an interruption of content on a television (Column 2 lines 46-50, Darbee).

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sams Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Darbee et al. (U.S. 6130726) further in view of Naimpally (U.S. 6020880).

Referring to claim 4, depending on claim 3, Ellis teaches the method wherein the wireless device, on a periodic basis, updates EPG data, which is communicated from the server through the local device to the wireless device (¶[0038]).

Ellis, Tyson, and Darbee fail to teach transmitting a signal automatically from a device to a remote server that requests EPG data be communicated back to the device.

In an analogous art Naimpally teaches transmitting a signal automatically from a device to a remote server that requests EPG data be communicated back to the device (Column 4 lines 34-40 and Column 4 lines 50-55).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis, Tyson, and Darbee using requesting for EPG update information method of Naimpally for the purpose of avoiding communication delays (Column 4 lines 37-38, Naimpally)



Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sams Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Darbee et al. (U.S. 6130726) further in view of Kawana et al. (U.S. 2002/0023266 A1)

Referring to claim 9, depending on claim 8, Ellis, Tyson, and Darbee fail to teach the method wherein the wireless devices are connected to a wireless local area network (WLAN).

Kawana teaches the method wherein the wireless devices are connected to a wireless local area network (WLAN) (Figure 5 elements 200 and 240 and ¶[0038] teaches a home server and Bluetooth being used with a home server element 100).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis, Tyson, and Darbee using the WLAN of Kawana for the purpose of wirelessly controlling an apparatus that has the functions of recording and playing broadcast programs (¶[0009], Kawana).

Claims 15, 28, 43, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sams Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Griffin et al. (U.S. 6489950 B1).

Referring to claim 15, Ellis and Tyson teach all the limitations of claim 1, but fail to teach the method further comprising: (d) the application presenting on the display a plurality of selectable predetermined messages; and (e) using the control buttons to select at least one of the predetermined messages to be sent to the selected destinations.

In an analogous art Griffin teaches (d) the application presenting on the display a plurality of selectable predetermined messages (Column 6 lines 2-7); and (e) using the control buttons to select at least one of the predetermined messages to be sent to the selected destinations (Column 6 lines 2-7 teaches pressing buttons to select a canned response).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson with the canned responses method of Griffin for the purpose of being able to quickly respond to an email (Column 10 lines 64-67 and Column 11 line 1, Griffin).

Referring to claim 28, Ellis and Tyson teach all the limitations of claim 20, but fail to teach wherein the application presents on the display a plurality of selectable predetermined messages, and the control buttons are used to select at least one of the predetermined messages to be sent to the selected destinations.

In an analogous art Griffin teaches wherein the application presents on the display a plurality of selectable predetermined messages, and the control buttons are used to select at least one of the predetermined messages to be sent to the selected destinations (Column 6 lines 2-7 teaches using buttons to select canned messages from a menu on a display).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson with the canned responses method of Griffin for the purpose of being able to quickly respond to an email (Column 10 lines 64-67 and Column 11 line 1, Griffin).

Referring to claim 43, depending on claim 36, see rejection of claim 28.

Referring to claim 51, depending on claim 44, see rejection of claim 28.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sams Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Kawana et al. (U.S. 2002/0023266 A1)

Referring to claim 23, depending on claim 22, Ellis and Tyson fail to teach the method wherein the wireless devices are connected to a wireless local area network (WLAN).

Kawana teaches the method wherein the wireless devices are connected to a wireless local area network (WLAN) (Figure 5 elements 200 and 240 and ¶[0038] teaches a home server and Bluetooth being used with a home server element 100).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson using the WLAN of Kawana for the purpose of wirelessly controlling an apparatus that has the functions of recording and playing broadcast programs (¶[0009], Kawana).

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sams Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Griffin et al. (U.S. 6489950 B1) further in view of Narayan et al. (U.S. 6859937 B1).

Referring to claim 31, depending on claim 30, Ellis teaches wherein the control buttons are used to control the selection of program channels displayed on the television (¶[0056]).

Ellis and Tyson fail to teach wherein the control buttons are used to control the selection, from a menu presented on the television by the local device, a predetermined message to send to the destination.

In an analogous art Griffin teaches control buttons are used to control the selection, from a menu by the local device, a predetermined message to send to the

destination (Column 6 lines 2-7 teaches using buttons to select canned messages from a menu on a display).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson with the canned responses method of Griffin for the purpose of being able to quickly respond to an email (Column 10 lines 64-67 and Column 11 line 1, Griffin).

Ellis, Tyson, and Griffin fail to teach the presentation on a television.

In an analogous art Narayan teaches the presentation on a television (Figure 7 and Column 6 lines 46-52 teaches email activities and Column 3 lines 59-61 teaches the display is a television so the email application is displayed on a television).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis, Tyson, and Griffin with the displaying of an email application on a television method of Narayan for the purpose of integrating conventional television viewing with Internet browsing and other Internet-related activities (Column 1 lines 64-66, Narayan).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sam's Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Hammond (U.S. 6854007).

Referring to claim 41, Ellis and Tyson teach all the limitations of claim 36, but fail to teach wherein the message is a reminder message.

In an analogous art Hammond teaches wherein the message is a reminder message (Column 2 lines 11-20).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson with the reminder message method of Hammond for the purpose of making sure a recipient receives the message.

Claims 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2006/0031883 A1) in view of Tyson (Sam's Teach Yourself Microsoft Outlook 2000 in 24 Hours) further in view of Schanhals et al. (U.S. 6337856 B1).

Referring to claim 49, Ellis and Tyson teach all the limitations of claim 44, but fail to teach wherein the message is an intercom message.

In an analogous art Schanhals teaches wherein the message is an intercom message (Column 10 lines 62-67, Column 11 lines 1-25 and Figure 5 teaches element 18a which can be a PDA which can communicate and share information/message with multimedia device 12 which can be an intercom; Column 4 lines 29-40 and Column 11 lines 30-36 teaches the data link 20 or 20a is wireless).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined methods of Ellis and Tyson with the intercom message

of Schanhals for the purpose of establishing communication with someone who does not have a personal wireless device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PW

  
**CHRISTOPHER GRANT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**